

REMARKS

This is in response to the Office Action dated December 3, 2004. Claims 89-90 have been canceled. Thus, claims 79-88 and 91-92 are now pending.

While applicant does not agree with the obviousness-type double patenting rejections, a terminal disclaimer has been filed herewith in order to expedite prosecution. Moreover, the specification has been amended as suggested by the Examiner.

Claim 79 stands rejected under 35 U.S.C. Section 102(b) as being allegedly anticipated by JP '269. This Section 102(b) rejection is respectfully traversed for at least the following reasons.

Claim 79 as amended requires (a) total iron 0.054 to 0.30 %; and (b) erbium oxide 0.01 to 0.30 %. For example support for the total iron range, see Examples 9-10. Applicant's invention of claim 79 relates to a glass which is able to achieve the claimed a* and b* values (very clear glass) even with rather high iron content (at least 0.054) and not much if any cerium oxide. The cited art fails to disclose or suggest this aspect of claim 79.

JP '269 (JP 11060269) can only achieve what it calls "virtually colorless" color using a rather high amount of cerium oxide (i.e., from 0.3 to 0.6%) and a very low amount of total iron present only in trace amounts (i.e., 0.05% or less; see paragraphs 0006 and 0008). Such an extremely low amount of total iron is often difficult to achieve, and such high amounts of cerium oxide are often undesirable due to cost and processing concerns.

Thus, it can be seen that applicant's invention of claim 79 is surprisingly advantageous over JP '269 in that the invention of claim 79 can achieve the claimed low a* and b* values even with rather high iron content (at least 0.054) and not much if any cerium oxide. JP '269 fails to disclose or suggest this. Instead, JP '269 teaches directly away from the invention of claim 79 in

this regard because JP '269 requires the use of "0.05% or less" total iron and from 0.3 to 0.6% cerium oxide. One of ordinary skill in the art upon reviewing JP '269 would have been led directly away from the invention of claim 79. Thus, it is respectfully submitted that claim 79 defines over JP '269.

Claim 79 also stands rejected under Section 103(a) as being allegedly unpatentable over Nagashima '434 or Nagashima '736, in view of JP '269. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Again, claim 79 relates to a glass which is able to achieve the claimed a^* and b^* values (very clear glass) even with rather high iron content (at least 0.054) and not much cerium oxide. The cited art fails to disclose or suggest this aspect of claim 79. As explained above, JP '269 teaches away from these aspects of claim 79. Likewise, Nagashima '434's only example using cerium oxide (Example 3) requires a very low total iron amount (0.025) and exhibits "dark blue" color – again, teaching directly away from the invention of claim 79. In a similar manner, Nagashima '736's only examples using cerium oxide (Examples 7-12) also require very low total iron amounts (0.036 or less) – again, teaching directly away from the invention of claim 79. Thus, it can be seen that the cited art fails to disclose or suggest the invention of claim 79 either alone or in any reasonable combination, and instead teaches directly away from the same.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

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Respectfully submitted,

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